

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :5284 of 2007

DATED:15-03-2007

BETWEEN:

Nagaluru Balaiah & 2 others.

..... PETITIONERS

AND

The Director of Tribal Welfare Department,
Sankshema Bhavan, Masab Tank,
Hyderabad & another.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for respondents.

2. Petitioners seek a writ of mandamus declaring the proceedings of the 2nd respondent issued in Rc.No.C5(M)2381/2000, dated 06-02-2007, as illegal, arbitrary, and contrary to the orders of the 1st respondent passed in Rc.No.4241/200/TRI/TEEC, dated 28-02-2000, and set aside the same; and consequently direct the 2nd respondent to give instructions to his subordinates to issue S.T. Caste (Yerukala) certificate to the petitioners and their children.

3. Petitioners, who are the sons of one Penchalaiah @ Abbulu, and working as Special Teacher, Livestock Assistant, and A.P.S.P. IXth Battalian, Venkatagiri mandal respectively, question the notice issued by the District Collector, Nellore in Form No.6 calling upon the petitioners to appear before the District Level Scrutiny Committee, Nellore on 12-02-2007 along with documentary proof of evidence in respect of caste as allegations received from the Mandal Revenue Officer, Atmakur/Kaluvoya/Chejerla Mandals that the caste certificates, Yerukala (S.T.), obtained by the petitioners are not genuine.

4. Learned counsel appearing for the petitioners submit that the petitioners belong to Yerukala caste (Scheduled Tribe) and after making necessary enquiry only the caste certificates have been issued by the concerned Mandal Revenue Officers.

5. It is stated that the petitioners filed W.P.No.4599 of 2001 on the file of this Court and this Court by order, dated 25-04-2001, in W.P.M.P.No.5888 of 2001 directed the respondents therein to consider the case of the petitioners to issue community certificates to the petitioners' children for admission in schools, colleges, and other professional courses forthwith by following the instructions issued by the Director of Tribal Welfare, Masab Tank, Hyderabad, in Rc.No.4241/2000/TRI/TEC., dated 28-04-2000.

6. I do not find any certificates issued pursuant to the said orders of this Court in favour of the petitioners, but it is the case of the petitioners that they are the genuine Yerukala caste people who come under the Scheduled Tribe category and therefore, the enquiry sought to be conducted is without any justification. When there are allegations to the effect that the Yerukala (S.T.) caste certificates obtained by the petitioners are not genuine, petitioners cannot prevent the competent authority from making enquiry. Petitioners are only requested to attend the enquiry with regard to the relevant documents. As the petitioner cannot prevent the competent authority from making enquiry, I am not inclined to admit this Writ Petition.

7. Accordingly, the Writ Petition is dismissed keeping it open to

the petitioners to appear before the concerned committee along with all necessary documents. No order as to costs.

V.ESWARAIAH,J

15th March, 2007.

Note:

Furnish C.C. of the order

Within two days.

B/o

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